



The Journal OF THE *House of Representatives*

Number 5

Thursday, March 12, 1998

The House was called to order by the Speaker at 8:30 a.m.

Prayer

The following prayer was offered by Dr. Earle E. Lee of Landmark Baptist Church of Haines City, upon invitation of Rep. Edwards:

O God, creator of the universe and our great state of Florida, we beseech you today, on behalf of the House of Representatives gathered here to conduct the affairs of this state, remind one and all of the motto of our nation which in wisdom our forefathers chose as our state motto: "In God We Trust." That motto is proudly displayed in our state seal in the rotunda of this Capitol building. May the history of our times reveal that, "In God We Trusted."

We thank you for the privilege of living in and participating in the affairs of state both as citizens and as Members of this great body. Our history is rich in its recording of great acts of our forefathers, one of which I will close with today.

On March 4, 1805, President Thomas Jefferson prayed the following prayer in public. This timeless prayer represents Florida's needs today. It reads:

Almighty God, who has given us this good land for our heritage, we humbly beseech thee that we may always prove ourselves a people mindful of thy favor and glad to do thy will.

Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitude brought hither out of many kindreds and tongues.

Endow with the spirit of wisdom those to whom in thy name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to thy law we may show forth thy praise among the nations of the earth.

In time of prosperity, fill our hearts with thankfulness, and, in the day of trouble, suffer not our trust in thee to fail; all of which we ask through Jesus Christ our Lord. Amen.

The following Members were recorded present:

The Chair	Ball	Brown	Clemons
Albright	Barreiro	Bullard	Constantine
Alexander	Bitner	Burroughs	Cosgrove
Andrews	Bloom	Bush	Crady
Argenziano	Boyd	Byrd	Crist
Arnall	Bradley	Carlton	Crow
Arnold	Bronson	Casey	Culp
Bainter	Brooks	Chestnut	Dawson-White

Dennis	Horan	Morse	Spratt
Diaz de la Portilla	Jacobs	Murman	Stabins
Dockery	Jones	Ogles	Stafford
Edwards	Kelly	Peaden	Starks
Effman	King	Posey	Sublette
Eggelletion	Kosmas	Prewitt, D.	Tamargo
Fasano	Lacasa	Pruitt, K.	Thrasher
Feeney	Lawson	Putnam	Tobin
Fischer	Lippman	Rayson	Trovillion
Flanagan	Littlefield	Reddick	Turnbull
Frankel	Livingston	Ritchie	Valdes
Fuller	Logan	Ritter	Villalobos
Futch	Lynn	Roberts-Burke	Wallace
Garcia	Mackenzie	Rodriguez-Chomat	Warner
Gay	Mackey	Rojas	Wasserman Schultz
Goode	Maygarden	Safley	Westbrook
Greene	Meek	Sanderson	Wiles
Hafner	Melvin	Saunders	Wise
Harrington	Merchant	Semler	Ziebarth
Healey	Miller	Silver	
Heyman	Minton	Sindler	
Hill	Morroni	Smith	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The Members, led by Christine Hujsa, Brittany Copeland, Leah Pernicano, Anum Ahmed, Anjulie Lohn, and Hillary Bolt, pledged allegiance to the Flag. They served at the invitation of Rep. Littlefield. Christine Hujsa and Brittany Copeland attend Benito Middle School in Tampa. Leah Pernicano and Anum Ahmed attend Hunters Green Elementary School in Tampa. Anjulie Lohn and Hillary Bolt attend Tampa Palms Elementary School in Tampa.

House Physician

The Speaker introduced Dr. Barry S. Tepperman of Hollywood, who served in the Clinic today upon invitation of Rep. Lippman.

Correction of the *Journal*

The *Journal* of March 10 was corrected and approved as corrected.

The *Journal* of March 3 was further corrected as follows: In Introduction and Reference make the following corrections in the sponsors for the following bills: above HB 3001, delete "the Committee on Election Reform"; above HB 3007, delete "the Committee on Juvenile Justice" and "Bainter"; above HB 3033, delete "the Committee on Crime & Punishment"; above HB 3053, delete "the Committee on Crime &

Punishment"; above HB 3061, delete "the Committee on Governmental Operations"; above HB 3065, delete "the Committee on Governmental Operations"; above HB 3075, delete "the Committee on Law Enforcement & Public Safety"; above HB 3089, delete "the Committee on Elder Affairs & Long Term Care" and "Diaz de la Portilla, Byrd, Culp, and Argenziano"; above HB 3107, delete "the Committee on Crime & Punishment"; above HB 3131, delete "the Committee on Governmental Operations"; above HB 3145, delete "the Committee on Health Care Services"; above HB 3147, delete "the Committee on Community Affairs"; above HB 3161, delete "the Committee on Governmental Operations"; above HB 3171, delete "the Committee on Finance & Taxation"; above HB 3185, delete "the Committee on Utilities & Communications"; above HB 3199, delete "the Committee on Business Regulation & Consumer Affairs"; above HB 3223, delete "the Committee on Real Property & Probate"; above HB 3227, delete "the Committee on Family Law & Children" and "Lynn"; above HB 3229, delete "the Committee on Environmental Protection" and "Sembler"; above HB 3257, delete "the Committee on Crime & Punishment"; above HB 3265, delete "the Committee on Law Enforcement & Public Safety"; above HB 3269, delete "the Committee on Community Affairs"; above HB 3287, delete "the Committee on Community Affairs"; above HB 3311, delete "the Committee on Health Care Standards & Regulatory Reform"; above HB 3357, delete "the Committee on Crime & Punishment"; and above HB 3367, delete "the Committee on Crime & Punishment"

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 3033, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 3033—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—

(1) A death sentence shall be executed by electrocution. *If electrocution is held to be unconstitutional by the United States Supreme Court or if the United States Supreme Court declines to review any such judgment made by the Florida Supreme Court or the United States Court of Appeals that has jurisdiction over Florida, all persons sentenced to death for a capital crime shall be executed by lethal injection.* The superintendent ~~warden~~ of the state prison shall designate the executioner. Information which, if released, would identify the executioner is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

(2) *The provisions of the opinion and all points of law decided by the United States Supreme Court in Malloy v. South Carolina, 237 U.S. 180(1915), finding that the Ex Post Facto Clause of the United States Constitution is not violated by a legislatively enacted change in the method of execution for a sentence of death validly imposed for previously committed capital murders, are adopted by the Legislature as the statute law of this state.*

(3) *A change in the method of execution does not increase the punishment or modify the statutory penalty of death for capital murder. Any legislative change to the method of execution for the crime of capital murder does not violate s. 10, Art. I, or s. 9, Art. X of the State Constitution.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing an effective date.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in *Jones v. Butterworth*, Case No. 90,231 (October 20, 1997), has held death by electrocution to be a constitutional method of imposing the death penalty in Florida, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide an alternative method for imposing death only in the event that the United States Supreme Court, the United States Court of Appeals for the Eleventh Circuit, or the Florida Supreme Court declares death by electrocution to be unconstitutional, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, *Malloy v. South Carolina*, 237 U.S. 180 (1915), and *Ex Parte Kenneth Granviel*, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, in the case of *Malloy v. South Carolina*, 237 U.S. 180 (1915), the United States Supreme Court held that a change in the method of execution does not change the penalty for the crime of murder, but only the method of inducing death, when under such a

change some of the odious features incident to the old method are abated by the new method, and

WHEREAS, the Florida Supreme Court has previously declared, in the case of *Dobbert v. State*, 375 So.2d 1069 (Fla. 1979), affirmed in *Dobbert v. Florida*, 432 U.S. 282, that changing the practices and procedures of the application of the death penalty statute does not violate the provisions of Article X, Section 9 of the Florida Constitution or the "ex post facto" clauses of the Florida and United States Constitutions, NOW, THEREFORE,

Representative(s) Stafford, Crist, and Ball offered the following:

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, line 17, through page 2, line 17, remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. Section 922.105, Florida Statutes, is created to read:

922.105 Execution of death sentence by lethal injection if death by electrocution is declared unconstitutional; prohibition against reduction of death sentence as a result of determination that a method of execution is unconstitutional.—

(1) A death sentence shall be executed by electrocution pursuant to s. 922.10. If electrocution is held to be unconstitutional by the Florida Supreme Court under the State Constitution, or held to be unconstitutional by the United States Supreme Court under the United States Constitution, or if the United States Supreme Court declines to review any judgment holding electrocution to be unconstitutional under the United States Constitution made by the Florida Supreme Court or the United States Court of Appeals that has jurisdiction over Florida, all persons sentenced to death for a capital crime shall be executed by lethal injection.

*(2) The provisions of the opinion and all points of law decided by the United States Supreme Court in *Malloy v. South Carolina*, 237 U.S. 180 (1915), finding that the Ex Post Facto Clause of the United States Constitution is not violated by a legislatively enacted change in the method of execution for a sentence of death validly imposed for previously committed capital murders, are adopted by the Legislature as the law of this state.*

(3) A change in the method of execution does not increase the punishment or modify the penalty of death for capital murder. Any legislative change to the method of execution for the crime of capital murder does not violate s. 10, Art. I or s. 9, Art. X of the State Constitution.

(4) Notwithstanding any law to the contrary, a person authorized by state law to prescribe medication and designated by the Department of Corrections may prescribe the drug or drugs necessary to compound a lethal injection. Notwithstanding any law to the contrary, a person authorized by state law to prepare, compound, or dispense medication and designated by the Department of Corrections may prepare, compound, or dispense a lethal injection. For purposes of this section, prescription, preparation, compounding, dispensing, and administration of a lethal injection does not constitute the practice of medicine, nursing, or pharmacy.

(5) The policies and procedures of the Department of Corrections for execution of persons sentenced to death shall be exempt from chapter 120.

(6) Notwithstanding s. 775.082(2), s. 790.161(4), or s. 775.15(1)(a), or any other provision to the contrary, no sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the State Constitution or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution.

(7) Nothing contained in this chapter is intended to require any physician, nurse, pharmacist, or employee of the Department of Corrections or any other person to assist in any aspect of an execution which is contrary to the person's moral or ethical beliefs.

Section 2. Subsection (2) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; mandatory minimum sentences for certain reoffenders previously released from prison.—

(1) A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). *No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.*

Section 3. Subsection (4) of section 790.161, Florida Statutes, is amended to read:

790.161 Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties.—A person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device:

(4) If the act results in the death of another person, commits a capital felony, punishable as provided in s. 775.082. In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment if convicted of murder in the first degree or of a capital felony under this subsection, and such person shall be ineligible for parole. *No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 25, through page 4, line 10, remove from the title of the amendment:

and insert in lieu thereof: A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being held to be unconstitutional; prohibiting any physician, nurse, pharmacist, employee of the Department of Corrections, or other person from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being held unconstitutional; amending s. 790.161,

F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being held unconstitutional; providing an effective date.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the existing method of carrying out a sentence of death in this state is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in *Jones v. State*, 701 So.2d 76 (1997), has held death by electrocution to be a constitutional method of imposing the death penalty in this state, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide alternative methods for imposing death only if legally required to do so, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, *Malloy v. South Carolina*, 237 U.S. 180 (1915), and *Ex Parte Kenneth Granviel*, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, the United States Supreme Court has previously declared, in the case of *Dobbert v. Florida*, 432 U.S. 282 (1977), that changing the practices and procedures of the application of the death penalty statute does not violate the ex post facto clauses of the State Constitution or the Constitution of the United States, and

WHEREAS, the Florida Supreme Court has previously held a claim under Article X, Section 9 of the State Constitution against retroactive changes in death penalty procedures to be without merit, in the case of *Dobbert v. State*, 375 So.2d 1069 (Fla. 1979), NOW, THEREFORE,

Rep. Stafford moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Stafford, the House concurred in **Senate Amendment 1**, as amended. The question recurred on the passage of CS/HB 3033. The vote was:

Yeas—109

The Chair	Carlton	Eggelletion	Horan
Albright	Casey	Fasano	Jacobs
Alexander	Chestnut	Feeney	Kelly
Andrews	Clemons	Fischer	King
Argenziano	Constantine	Flanagan	Kosmas
Arnold	Cosgrove	Frankel	Lacasa
Bainter	Crady	Fuller	Lawson
Ball	Crist	Futch	Lippman
Bitner	Crow	Garcia	Littlefield
Bloom	Culp	Gay	Livingston
Boyd	Dawson-White	Goode	Logan
Brennan	Dennis	Hafner	Lynn
Bronson	Diaz de la Portilla	Harrington	Mackenzie
Brooks	Dockery	Healey	Mackey
Bush	Edwards	Heyman	Maygarden
Byrd	Effman	Hill	Meek

Melvin	Putnam	Sindler	Valdes
Merchant	Rayson	Smith	Villalobos
Miller	Ritchie	Spratt	Wallace
Minton	Ritter	Stabins	Warner
Morrone	Roberts-Burke	Stafford	Wasserman Schultz
Morse	Rodriguez-Chomat	Starks	Westbrook
Murman	Rojas	Sublette	Wiles
Ogles	Safley	Tamargo	Wise
Peaden	Sanderson	Thrasher	Ziebarth
Posey	Saunders	Tobin	
Prewitt, D.	Sembler	Trovillion	
Pruitt, K.	Silver	Turnbull	

Nays—1

Bradley

Votes after roll call:

Yeas—Arnall, Barreiro, Brown, Burroughs, Greene

Nays—Reddick

So the bill passed, as amended. The action, together with the bill and amendments thereto, was certified to the Senate.

Election of Rep. JD Alexander

The Department of State notified the Clerk of the House that Rep. JD Alexander had been elected on March 10 in a special general election as a Member from the 66th District, replacing Rep. John Laurent, who had resigned effective March 2.

Oath of Office Administered

The Speaker introduced Rep. Alexander's family: his wife, Cindy; his children, Britton and Keaton; his mother and father, Sarah Jane and John Alexander; and his sisters, Laura Grace Alexander and Nancy Alexander Caswell.

On motion by Rep. Thrasher, the Speaker appointed Reps. Putnam, Feeney, Dockery, Edwards, and Thrasher as a committee to escort Rep. Alexander and his family to the well for the administration of the Oath of Office.

Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office prescribed by the Constitution.

The Speaker welcomed the Honorable JD Alexander as the newest Member of the House.

Rep. Alexander was recognized for brief remarks from the well.

Committee Assignments

The Speaker advised that he had made the following committee appointments:

Rep. Alexander	Children & Family Empowerment, Crime & Punishment, Education/K-12, Water & Resource Management
Rep. Effman	Family Law & Children
Rep. Feeney	Election Reform
Rep.-elect Gottlieb	Community Affairs, Health Care Services, Regulated Services

Motions Relating to Committee References

On motion by Rep. Crady, agreed to by two-thirds vote, HB 3633 was withdrawn from further consideration of the House.

On motion by Rep. Crady, Co-Chair of the Committee on Rules, Resolutions, & Ethics, the rules were suspended and all references of HBs 3237, 3415, 3531, 3719, 3741, 3811, and 3869 were removed and the bills were shown as filed but not referred.

On motion by Rep. Crady, Co-Chair of the Committee on Rules, Resolutions, & Ethics, the rules were suspended and all references of

CS/HB 3393 were removed and the bill was placed in the Economic Impact Council.

On motion by Rep. Chestnut, agreed to by two-thirds vote, HB 47 was withdrawn from further consideration of the House.

On motion by Rep. Miller, agreed to by two-thirds vote, HB 3609 was withdrawn from further consideration of the House.

On motion by Rep. Stabins, agreed to by two-thirds vote, HB 1367 was withdrawn from further consideration of the House.

On motion by Rep. Meek, agreed to by two-thirds vote, HB 1569 was withdrawn from further consideration of the House.

On motion by Rep. Silver, agreed to by two-thirds vote, HB 3987 was withdrawn from further consideration of the House.

On motion by Rep. Heyman, agreed to by two-thirds vote, HB 3191 was withdrawn from further consideration of the House.

On motion by Rep. Edwards, agreed to by two-thirds vote, HB 3005 was withdrawn from further consideration of the House.

On motion by Rep. Mackenzie, agreed to by two-thirds vote, HB 1809 was withdrawn from further consideration of the House.

On motion by Rep. Rayson, agreed to by two-thirds vote, HB 1759 was withdrawn from further consideration of the House.

On motion by Rep. Morroni, agreed to by two-thirds vote, HB 3219 was withdrawn from further consideration of the House.

On motion by Rep. Morroni, agreed to by two-thirds vote, HB 3235 was withdrawn from further consideration of the House.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 1509 was withdrawn from the Committee on Environmental Protection and remains referred to the Committees on Governmental Rules & Regulations and General Government Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 3797 was withdrawn from the Committee on Civil Justice & Claims and remains referred to the Committee on Community Affairs.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3007 was withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, HB 3125 was withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3287 was withdrawn from the Committee on Transportation & Economic Development Appropriations and placed on the appropriate Calendar or Council list.

Daily Folder

Economic Impact Council Calendar

Bills and Joint Resolutions on Third Reading

CS/HB 531—A bill to be entitled An act relating to small business employment incentives; providing for issuing tax credit vouchers; requiring the Department of Revenue to develop forms and procedures; limiting the availability of the credit vouchers; providing an effective date.

—was read the third time by title.

On motion by Rep. Wallace, further consideration of **CS/HB 531** was temporarily postponed and the measure was placed on the Order of Unfinished Business.

HB 1049—A bill to be entitled An act relating to limited liability companies; amending s. 220.02, F.S.; revising legislative intent;

providing application; amending s. 220.03, F.S.; revising a definition; amending s. 220.13, F.S.; redefining the term "taxable income" as applied to limited liability companies to exclude income of certain limited liability companies; amending s. 608.406, F.S.; revising criteria for limited liability company names; amending s. 608.471, F.S.; exempting certain limited liability companies from the corporate income tax; providing for classifying certain limited liability companies or members or assignees of a member of a limited liability company for certain taxation purposes; providing an effective date.

—was read the third time by title.

On motion by Rep. Lacasa, further consideration of **HB 1049** was temporarily postponed and the measure was placed on the Order of Unfinished Business.

HB 1747—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.0951, F.S.; prescribing the tax on handle for intertrack wagering; amending s. 550.09511, F.S.; prescribing the tax on handle for live jai alai performances; amending s. 550.2625, F.S.; prescribing the tax on handle for live thoroughbred performances; amending s. 550.2625, F.S.; revising standing requirements for stallion awards; amending s. 550.09512, F.S.; revising the date for expiration of that section; amending s. 550.09514, F.S., relating to greyhound purse requirements; amending s. 26, ch. 96-364, Laws of Florida, relating to tax on handle of live thoroughbred performances, live jai alai performances, and intertrack wagering; providing effective dates.

—was read the third time by title.

Representative(s) Fasano, Thrasher, Morroni, and Tobin offered the following:

Amendment 1 (with title amendment)—On page 1, line 21, through page 7, line 10, remove from the bill all of said lines:

And the title is amended as follows:

On page 1, lines 3-8, remove from the title of the bill all of said lines:

and insert in lieu thereof: amending s.

Rep. Tobin moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Fasano, Thrasher, Morroni, and Tobin offered the following:

Amendment 2—On page 11, lines 3 through 6, remove from the bill all of said lines:

and insert in lieu thereof:

Section 26. Effective July 1, 1998, the amendments to ~~subsection (3) of section 550.0951, subsections (2) and (3) of section 550.09511, subsection (2) of section 550.09515, and paragraph (a) of subsection (2) of section 550.2625, Florida Statutes, shall~~

Rep. Tobin moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Fasano, Thrasher, Morroni, and Tobin offered the following:

Amendment 3 (with title amendment)—On page 9, lines 17-18, remove from the bill all of said lines:

and insert in lieu thereof:

~~(5) This section is repealed July 1, 1998, and shall be reviewed by the Legislature prior to that date.~~

And the title is amended as follows:

On page 1, line 11, remove from the title of the bill all of said lines:

and insert in lieu thereof: F.S.; repealing the expiration of that

Rep. Tobin moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1747. The vote was:

Yeas—114

The Chair	Culp	Lacasa	Rodriguez-Chomat
Albright	Dawson-White	Lawson	Rojas
Alexander	Dennis	Lippman	Safley
Andrews	Diaz de la Portilla	Littlefield	Sanderson
Argenziano	Dockery	Livingston	Saunders
Arnall	Edwards	Logan	Sembler
Arnold	Effman	Lynn	Silver
Bainter	Eggelletion	Mackenzie	Sindler
Ball	Fasano	Mackey	Smith
Barreiro	Feeney	Maygarden	Spratt
Bitner	Fischer	Meek	Stabins
Bloom	Frankel	Melvin	Stafford
Boyd	Fuller	Merchant	Starks
Bradley	Futch	Miller	Sublette
Brennan	Garcia	Minton	Tamargo
Bronson	Gay	Morrone	Thrasher
Brooks	Goode	Morse	Tobin
Brown	Greene	Murman	Trovillion
Bullard	Hafner	Ogles	Turnbull
Bush	Harrington	Peaden	Valdes
Byrd	Healey	Posey	Villalobos
Carlton	Heyman	Prewitt, D.	Wallace
Casey	Hill	Pruitt, K.	Wasserman Schultz
Chestnut	Horan	Putnam	Westbrook
Clemons	Jacobs	Rayson	Wiles
Constantine	Jones	Reddick	Wise
Cosgrove	Kelly	Ritchie	Ziebarth
Craday	King	Ritter	
Crow	Kosmas	Roberts-Burke	

Nays—None

Votes after roll call:

Yeas—Crist

Yeas to Nays—Silver

So the bill passed, as amended, and was certified to the Senate after engrossment.

Bills and Joint Resolutions on Second Reading

CS/HB 747—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

—was read the second time by title.

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment 1—On page 3, line 2, remove from the bill: 1998

and insert in lieu thereof: 1999

Rep. K. Pruitt moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

Amendment 2 (with title amendment)—On page 3, between line(s) 2 and 3,

insert:

Section 2. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, 1996 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the primary activity of which is distribution of audio recordings of religious scriptures to blind or visually impaired persons at no charge.*

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a

nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(Renumber subsequent section)

And the title is amended as follows:

On page 1, line(s) 8, after the semicolon

insert: amending s. 212.08, F.S.; including within the definition of "religious institutions" for exemption purposes certain nonprofit corporations which distribute audio recordings to blind or visually impaired persons;

Rep. Starks moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Under Rule 127, the bill was referred to the Engrossing Clerk.

CS/HB 3185—A bill to be entitled An act relating to the Public Service Commission; amending s. 367.081, F.S.; limiting the commission's consideration of contributions-in-aid-of-construction under certain circumstances; providing construction; requiring the commission to approve rates for certain services under certain circumstances; providing construction; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

CS/HB 1311—A bill to be entitled An act relating to Florida Life and Health Guaranty Association assessments; amending s. 631.718, F.S.; revising a provision providing a preferential rate of assessment for insurance companies that issue certain annuity contracts; providing an effective date.

—was read the second time by title.

Representative(s) Ball offered the following:

Amendment 1—On page 1, lines 22 & 23 remove from the bill: ~~“, whichever is greater”~~

and insert in lieu thereof: , whichever is greater

Rep. Ball moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

HB 795—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Division of Consumer Services of the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing a net worth requirement; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a failure to redeem; providing for attempts at collection; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; providing an effective date.

—was read the second time by title.

On motion by Rep. Healey, further consideration of **HB 795** was temporarily postponed and the measure was placed on the Order of Unfinished Business.

CS/CS/HB 315—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

—was read the second time by title.

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment 1—On page 1, line 28,
remove from the bill: 1996 Supplement,
and on page 1, line 29,
remove from the bill: (nn) and (oo)

and insert in lieu thereof: (qq) and (rr)
and on page 2, line 6,
remove from the bill: part

and insert in lieu thereof: chapter
and on page 7, line 22,
remove from the bill: (nn)

and insert in lieu thereof: (qq)
and on page 8, line 4,
remove from the bill: (oo)

and insert in lieu thereof: (rr)
and on page 9, line 25,
remove from the bill: , 1997

and insert in lieu thereof: of the year in which enacted

Rep. Thrasher moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

HB 3597—A bill to be entitled An act relating to insurance for family day care homes; creating s. 627.70161, F.S.; providing legislative intent; providing definitions; providing an exclusion from liability coverage under residential property insurance policies for losses arising out of the operation of a family day care home; prohibiting cancellation, refusal to renew, or denial of coverage for residential property insurance due to family day care operations; providing exceptions; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

Ceremonial Resolutions Calendar

HR 9309—A resolution honoring Florida Memorial College.

WHEREAS, in 1879, a group of humble, far-sighted members of the Bethlehem Baptist Association, under the leadership of the Reverend J. N. Stokes, met in Live Oak, Florida, to establish an academy for the training of African-American children, and

WHEREAS, this group had been promised organizational and financial assistance from an agency which came to be known as the American Baptist Home Mission Society, and the school they founded was named the Florida Baptist Institute, and

WHEREAS, in 1892, another group of Baptists, which included Reverend M. W. Gilbert, Reverend J. T. Brown, and Sarah A. Blocker of Bethel Institute Baptist Church in Jacksonville, sought and obtained financial assistance from the American Baptist Home Mission Society to establish the Florida Baptist Academy in Jacksonville, and

WHEREAS, the Florida Baptist Academy developed into a flourishing elementary and secondary educational institution, and

WHEREAS, in 1900, while serving as faculty at the Jacksonville campus, brothers J. Rosamond Johnson and James Weldon Johnson composed the song, "Lift Every Voice and Sing," now known as the Negro National Anthem, and

WHEREAS, in 1914, the Florida Baptist Academy was declared one of eight of the 26 private schools in the state that played an important part in the educational activities of the State of Florida, and

WHEREAS, in order to continue its growth and expansion as well as to give instruction in farming and gardening, the decision was made in 1918 to move the Florida Baptist Academy to a large tract of land in St. Augustine, and

WHEREAS, it was in St. Augustine, with the inclusion within the academy's curriculum of "normal training courses," that the Florida Baptist Academy became a junior college, changing its name to the Florida Normal and Industrial Institute, and

WHEREAS, in 1931, Florida Normal and Industrial Institute was accredited as a junior college by the Southern Association of Colleges and Secondary Schools and the Florida Department of Education, and

WHEREAS, 10 years later, the Florida Normal and Industrial Institute merged with its sister institution, the Florida Baptist Institute of Live Oak, and a four-year degree program was instituted, and

WHEREAS, the institution's charter was amended and in 1944 its name was changed to Florida Normal and Industrial College, and

WHEREAS, in 1963, the charter of the college was again amended and its name was changed to Florida Memorial College, and

WHEREAS, in 1968, the college moved from St. Augustine to Miami, and

WHEREAS, in 1979, Florida Memorial College celebrated its 100th anniversary, and 1998 marks its 30th anniversary in Miami, and

WHEREAS, today, as one of the 40 member institutions of the The College Fund/United Negro College Fund, Florida Memorial College continues its proud tradition as a historically Black, Baptist-affiliated college, providing students with quality education and helping to create tomorrow's leaders today, and

WHEREAS, it is fitting and appropriate that the House of Representatives honors one of the oldest academic centers in the State of Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby honors Florida Memorial College for more than a century of dedication and commitment to academic excellence in the State of Florida.

—was read the second time by title. On motion by Rep. Roberts-Burke, the resolution was adopted.

HR 9333—A resolution designating March 16, 1998, as F.S.U. Day.

WHEREAS, the Tallahassee campus at Florida State University is the oldest continuous site of higher education in Florida, and

WHEREAS, Florida State University was founded as an institution of higher learning in 1851 by a legislative act and began in Tallahassee with its first students in 1857, and

WHEREAS, spring 1998 marks the fiftieth anniversary of the ratification of the Florida State University Constitution by its faculty,

setting the institution on course toward its present standing as a bastion of the Liberal Arts, and

WHEREAS, over 197,000 men and women have graduated from Florida State University and its success as an institution is reflected in the success of these graduates around the world, and

WHEREAS, the university's mission emphasizes teaching, research, and public service with 16 colleges and schools, offering undergraduate and graduate degrees in over 342 fields, and

WHEREAS, U.S. News and World Report ranked Florida State University the "most efficient university" for the second year in a row in its 1998 "America's Best Colleges" issue, and

WHEREAS, Florida State University's graduation rate is well above the national average and the best among Florida's state universities, and

WHEREAS, while developing internationally recognized programs in the Fine and Performing Arts and in the Basic and Social Sciences, Florida State University has also developed strong student life programs including one of the major Intercollegiate Athletic programs in the country, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby designates March 16, 1998, as F.S.U. Day and recognizes Florida State University as the oldest continuous site of higher education in the State of Florida and an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Talbot "Sandy" D'Alemberte, President of Florida State University, as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. King, the resolution was adopted.

HR 9331—A resolution honoring the 25th Anniversary of the Florida State University School of Theatre.

WHEREAS, the FSU School of Theatre is celebrating its 25th Anniversary as a discrete academic unit of the Florida State University in 1998, and

WHEREAS, the FSU School of Theatre has been celebrated by U.S. News and World Report and national organizations as one of the leading theatre training programs in the United States, and

WHEREAS, the FSU School of Theatre has been designated the "flagship" theatre-training program in Florida by nationally-recognized consultants of the arts in higher education, and

WHEREAS, the FSU School of Theatre has educated a long and distinguished list of graduates who have positively influenced education and the entertainment industry nationally and internationally, and

WHEREAS, the FSU School of Theatre has brought to Florida internationally celebrated artists and teachers to teach and perform in our state, and

WHEREAS, the FSU School of Theatre established the Asolo State Theatre in Sarasota, one of the leading professional theatres in America, and

WHEREAS, the FSU School of Theatre has provided to its communities in Sarasota and Tallahassee productions of the highest quality for entertainment and enlightenment, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to celebrate the year 1998 as the 25th Anniversary of the FSU School of Theatre and to recognize and applaud this program for its extraordinary contributions to the cultural and educational excellence of the State of Florida.

—was read the second time by title. On motion by Rep. Turnbull, the resolution was adopted.

HR 9335—A resolution proclaiming the week of March 9-13, 1998, as Insurance Week in the Great State of Florida.

WHEREAS, most families in Florida own life, health, and property/casualty insurance as the primary forms of personal financial protection, and

WHEREAS, insurance renders a great service by carrying policyholder dollars back to our communities, where they aid all segments of the economy, and

WHEREAS, insurance underwriting, performed by agents, is the process of identifying risks and offering solutions which protect and enhance the financial lives of families, individuals, and businesses using life, health, and property/casualty insurance and other closely related financial products, and

WHEREAS, the licensed, professional insurance agent helps families, individuals, and businesses find the insurance products that best fit their needs, thereby providing a valuable service to society, and

WHEREAS, all persons can benefit by professional financial advice and informed decisions about life, health, and property/casualty insurance, and

WHEREAS, adherence by agents to a professional code of ethics emphasizing the highest standards of conduct and service to consumers is essential in protecting the citizens of Florida, and

WHEREAS, the Florida Association of Life Underwriters is sponsoring a program to inform the public of the importance of insurance, the services of insurance agents, and the varied aspects of insurance, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby proclaims the week of March 9-13, 1998, as Insurance Week in the Great State of Florida.

—was read the second time by title. On motion by Rep. Arnall, the resolution was adopted.

HR 9327—A resolution recognizing Lockheed Martin for its numerous contributions to the State of Florida.

WHEREAS, Lockheed Martin is the largest industrial employer in the State of Florida, with some 18,000 employees statewide, and

WHEREAS, almost ten percent of Lockheed Martin's worldwide employees work or reside in the State of Florida, and 10,500 retirees from Lockheed Martin reside in Florida, and

WHEREAS, with 58 operating locations in Florida and 11 major manufacturing centers, Lockheed Martin employees reside in every Congressional district in the state, and

WHEREAS, as a key contributor to Florida's economy, Lockheed Martin supports a payroll in excess of \$600 million, with annual state taxes of \$13 million, expenditures of \$575 million with Florida-based subcontractors in 1996, and philanthropic grants and contributions of approximately \$2 million annually, and

WHEREAS, among the many endeavors of Lockheed Martin's Florida-based operations which directly benefit the state is Lockheed Martin's involvement in the United Space Alliance launch and recovery operations for the space shuttle, and

WHEREAS, Lockheed Martin is currently developing, in conjunction with NASA, the next-generation shuttle-type vehicle called "Venture Star," representing a major technological step forward for both government and commercial space launch applications with significant potential for Florida's involvement, and

WHEREAS, Lockheed Martin has developed world-class technology combined with integration services and expertise to provide real-world simulation and training, and

WHEREAS, Lockheed Martin's Automated Fingerprint Identification System is being used by the FBI to solve a multitude of criminal cases, and

WHEREAS, Lockheed Martin's automated test and logistics support equipment has saved government millions of dollars, and

WHEREAS, working with the Florida Department of Revenue, Lockheed Martin has collected more than \$46 million in overdue child support for custodial parents since 1996, and is currently working to collect an additional 250,000 outstanding cases, and

WHEREAS, Lockheed Martin has been awarded nine contracts statewide in 22 counties to help thousands of Floridians make the transition from welfare to work, and

WHEREAS, Lockheed Martin will administer Florida's electronic benefit transfer program in which food stamps and cash assistance will be distributed by debit cards, and

WHEREAS, Lockheed Martin's Orlando business unit, which develops, manufactures, and supports advanced combat systems, has been designated Lockheed Martin's lead company for research, development, and production of electro-optics and smart munitions systems, and

WHEREAS, the State of Florida is fortunate to have enjoyed such a productive and mutually beneficial relationship with Lockheed Martin, a relationship that continues to grow and enrich the lives of the citizens of Florida, and

WHEREAS, in recognition of this long and fruitful partnership, Governor Lawton Chiles has issued a proclamation declaring March 12, 1998, as "Lockheed Martin Day in Florida," and

WHEREAS, it is fitting and appropriate that the House of Representatives of the State Of Florida recognize Lockheed Martin for its numerous contributions to the state, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby recognizes the Lockheed Martin Corporation for its numerous and varied contributions to the State of Florida and its citizens.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Lockheed Martin Corporation as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Merchant, the resolution was adopted.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Morroni, Chair, the rules were suspended and the Committee on Regulated Services was given permission to meet Monday, March 16, at 3:30 p.m., instead of 10:15 a.m., in Reed Hall.

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed by the required constitutional two-thirds vote of all members voting CS/HB 1227 and CS/HB 1597, the Governor's objections to the contrary notwithstanding.

Faye W. Blanton, Secretary

The above Acts were certified to the Secretary of State.

Motion to Adjourn

Rep. Thrasher moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 8:30 a.m., Tuesday, March 17. The motion was agreed to.

Recorded Votes

Rep. Bainter:

Nay—Amendment 13 to HB 3875

Rep. Byrd:

Yea—HB 3875

Rep. Tamargo:

Yea—HB 3877

Prime Sponsors

HJR 3151—Meek

Cosponsors

HM 1251—Harrington

HM 1253—Harrington

HM 1261—Harrington

HB 1287—Argenziano, Murman

HB 1533—Brown, Frankel, Heyman, Lippman, Rayson, Silver

HB 1547—Livingston

HB 1705—Heyman

HB 1719—Harrington

HB 1731—Bainter

HB 1781—Murman

HB 2041—Saunders

CS/HB 3033—Lynn

HB 3105—Bloom, Casey, Crow, Culp, Effman, Fasano, Fischer,

Frankel, Fuller, Hafner, Heyman, Jones, Kelly, Lippman,

Littlefield, Livingston, Mackenzie, Maygarden, Peaden, Ritchie,

Sanderson, Starks, Tamargo, Wise

HB 3111—Greene

CS/HB 3131—Lynn

HJR 3151—Bradley, Byrd, Crady, Flanagan, Putnam, Tamargo,

Ziebarth

HB 3279—Heyman

HB 3291—Merchant

HB 3315—Meek

HB 3327—Fasano, Flanagan

HB 3329—Feeney

HB 3337—Bloom

HB 3349—Westbrook

HB 3371—Bainter, Flanagan, Ogles

HB 3419—Bradley

HB 3427—Heyman

HB 3523—Bitner, Boyd

HB 3527—Heyman

HB 3539—Heyman

HB 3551—Fischer, Heyman

HB 3581—Villalobos

HB 3657—Argenziano

HB 3663—Thrasher

HB 3699—Meek

HB 3709—Heyman

HB 3763—Bitner, Bullard, Casey, Diaz de la Portilla, Futch, Hafner,

Morroni, Morse, Ogles, Spratt, Stabins, Westbrook

HB 3793—Putnam, Roberts-Burke

HB 3867—Dockery

HB 3871—Brooks

HB 3873—Brooks

HB 3877—Brooks

HB 3881—Brooks

HB 3899—Fasano

HB 3911—Kelly

HB 3913—Fasano

HB 3937—Arnall, Brooks, Jones

HB 3939—Flanagan, Morroni, Wise

HB 3949—Fasano

HB 3951—Fasano

HB 3975—Arnall, Fasano
 HB 3983—Casey, Futch, Lippman, D. Prewitt, Rayson, Tobin
 HB 3999—Andrews, Bainter, Putnam
 HB 4025—Brown
 HB 4027—Fasano
 HB 4057—Fasano
 HB 4067—Brown

Withdrawals as Cosponsor

HB 3377—Edwards

Introduction and Reference

By the Committee on Tourism; Representatives Barreiro, Bullard, Melvin, Culp, Harrington, Bronson, Greene, Livingston, D. Prewitt, and Sindler—

HB 4125—A bill to be entitled An act relating to public records; amending s. 288.1254, F.S.; providing an exemption from public records requirements for records of the Office of Entertainment Industry Commissioner relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Jacobs—

HB 4127—A bill to be entitled An act relating to the Delray Beach Downtown Development Authority, Palm Beach County; amending chapter 71-604, Laws of Florida, as amended, by amending the Delray Beach Downtown Development Authority area description to provide for inclusion of properties west of Swinton Avenue westward of the current Downtown Development Authority area to include those properties lying approximately south of N.W. 1st Street, and properties lying north of S.W. 1st Street, bounded generally on the west by Interstate 95, all such properties lying within the municipal boundaries of the City of Delray Beach; providing for seven members on the board for the Delray Beach Downtown Development Authority; providing that four members of the Board of Directors of the Delray Beach Downtown Development Authority shall be owners of realty within the Downtown Area, a lessee required by the lease to pay taxes, or a director, officer, or managing agent of an owner or of a lessee thereof so required to pay taxes thereon; requiring at least four affirmative votes of the authority to take any action; authorizing the authority to actively participate in plans and programs to encourage economic development and the promotion of downtown; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Tobin, Jacobs, Lippman, D. Prewitt, Heyman, Bitner, Fuller, Wise, Sindler, Kelly, and Merchant—

HB 4129—A bill to be entitled An act relating to homeowners' associations; amending s. 617.301, F.S.; providing a definition; amending s. 617.303, F.S.; specifying the location of board meetings; prohibiting commingling of association funds; amending s. 617.305, F.S.; requiring written notice of delinquent accounts; amending s. 617.307, F.S.; providing time for members other than a developer to elect a majority of members of the board of directors; requiring the developer to deliver specific documents to the newly elected board; creating s. 617.3075, F.S.; prohibiting certain clauses in homeowners' association documents; creating s. 617.3076, F.S.; requiring developers, owners, and real estate agents and brokers to make certain disclosures; providing a disclosure form; providing buyers' remedies for a developer's refusal to provide required disclosure; creating s. 617.30765, F.S.; requiring homeowners' associations to be incorporated; creating s. 617.3077, F.S.; providing for the establishment, funding, and use of reserve and operating accounts; amending s. 617.309, F.S.; prohibiting

certain contracts entered into between a developer and other parties; amending s. 617.311, F.S.; defining the term "dispute"; providing for voluntary binding arbitration of disputes; amending s. 689.26, F.S.; modifying disclosure summary form; providing for signing and mailing of the disclosure summary form; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Community Colleges & Career Prep; Representatives Sindler, Fasano, Wise, Diaz de la Portilla, Gay, Casey, Kelly, Futch, D. Prewitt, Miller, Chestnut, Hafner, K. Pruitt, Crow, Greene, Logan, Betancourt, Frankel, Jacobs, Edwards, Meek, Rojas, Roberts-Burke, Bush, Bullard, Barreiro, Lynn, Fuller, Murman, Dockery, Argenziano, Mackey, Smith, Culp, Andrews, Turnbull, Thrasher, Warner, Rodriguez-Chomat, Mackenzie, Dennis, Cosgrove, Valdes, Garcia, Wasserman Schultz, Peaden, Maygarden, Ritchie, Horan, Burroughs, Melvin, Bloom, and Lippman—

HB 4131—A bill to be entitled An act relating to postsecondary education; amending s. 229.551, F.S., relating to educational management; revising responsibilities of the Commissioner of Education and the Articulation Coordinating Committee; revising provisions relating to the offering of certain courses; providing for the classifying of degree vocational education programs; amending s. 229.8075, F.S., relating to the Florida Education and Training Placement Information Program; requiring job retention data; amending s. 236.081, F.S.; providing funding for the co-enrollment of secondary students; amending s. 239.105, F.S.; revising and adding definitions relating to adult and vocational education; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising funding for adults with disabilities; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; creating the Workforce Development Capitalization Incentive Grant Program and providing requirements; requiring audits and reviews of workforce development programs; amending s. 239.117, F.S.; revising provisions relating to postsecondary student fees; conforming provisions; revising certain requirements relating to student fee exemptions; revising provisions relating to fee schedules; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete language; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job retention data; amending s. 239.249, F.S., relating to performance-based funding for vocational and technical programs; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing for the statewide articulation of workforce development coursework and certain degree programs; requiring the Articulation Coordinating Committee to establish standards; amending s. 240.301, F.S., relating to mission and responsibilities of community colleges; conforming provisions; amending s. 240.35, F.S., relating to community college student fees; clarifying the inclusion of college-preparatory fee requirements; providing for fees relating to degree career education programs; revising certain requirements relating to student fee exemptions; revising provisions relating to the use of financial aid fee revenues; amending s. 240.359, F.S.; providing for the funding of college-preparatory programs and certain degree programs through the community college program fund; amending s. 246.013, F.S., relating to participation in the common course designation and numbering system; revising certain requirements; requiring timely review of course inclusion and maintenance; amending s. 446.052, F.S., relating to preapprenticeship programs; conforming to the duties of the Division of Workforce Development; requiring the State Board of Community Colleges and the Commissioner of Education to investigate specified issues; providing duties of the commissioner, the Jobs and Education Partnership, the State Board of Community Colleges, and the Board of Regents; requiring establishment of an Employment Task Force for Adults with Disabilities and providing duties; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Boyd—

HB 4133—A bill to be entitled An act relating to the City of Cedar Key, Levy County; repealing chapter 69-929, Laws of Florida, and replacing same with a new charter; providing for the powers and duties of the city commission; providing for appointment of administrative officials; establishing special provisions; providing a transition schedule; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Lynn, Kosmas, Sindler, and Bainter—

HB 4135—A bill to be entitled An act relating to education; authorizing the creation of charter technical career centers; prescribing powers and duties of the Commissioner of Education, the Department of Education, participating district school boards, and community college district boards of trustees, with respect to charter technical career centers; prescribing powers and duties of charter technical career centers and their boards of directors; providing for funding; prescribing rights and duties of employees of centers and of district school board employees and community college employees working at charter technical career centers; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; redefining the term “covered group” with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical career center; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hafner—

HB 4137—A bill to be entitled An act relating to public swimming and bathing places; amending s. 514.011, F.S.; modifying a definition; creating s. 514.023, F.S.; authorizing the Department of Health to set standards for and sample beach waters, and issue health advisories under certain conditions; preempting to the state the issuance of such health advisories; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Feeney, Valdes, Thrasher, King, Morse, Fasano, Futch, Ball, Warner, Bitner, Maygarden, Arnall, Livingston, Bronson, Byrd, Constantine, Saunders, Harrington, Ziebarth, Wise, Smith, Crady, Mackey, Burroughs, Peaden, Tamargo, Culp, Kelly, K. Pruitt, Starks, Cosgrove, Murman, Argenziano, Putnam, Bainter, and Wiles—

HM 4139—A memorial to the Congress of the United States urging Congress to sunset the current Internal Revenue Code by December 31, 2000, and develop a simple replacement tax code which the average citizen can comply with and understand without having to retain professional assistance.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Saunders—

HB 4141—A bill to be entitled An act relating to water resources; amending s. 373.026, F.S., relating to general powers and duties of the Department of Environmental Protection; requiring prior legislative approval for implementation of any project contained in the Central and Southern Florida Flood Control Project Restudy, and for participation by the South Florida Water Management District as local sponsor; providing for recommendations to the Legislature by the department and the Governor; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Edwards—

HB 4143—A bill to be entitled An act relating to emergency telephone number “911” services; amending s. 365.171, F.S.; providing for

indemnification and limitation of liability for local governments and wireless telecommunications service providers that provide 911 service; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Eggelletion and Harrington—

HB 4145—A bill to be entitled An act relating to Murphy Act lands; amending s. 253.82, F.S.; providing for conveyance of all Murphy Act transportation easements to the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing Murphy Act transportation reservations; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies all current economic use of the property; providing for mediation or arbitration; amending s. 712.04, F.S.; providing for release of certain easements held by governmental entities; providing for preservation of road right of way easements; amending s. 712.05, F.S.; providing for release of certain easements held by governmental entities; providing for preservation of road right of way easements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Littlefield—

HB 4147—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Reddick—

HB 4149—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s. 110.205, F.S.; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 216.011, F.S.; redefining the term “operating capital outlay”; amending s. 216.346, F.S.; providing for an exception to conditions in contracts between state agencies; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by

custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Turnbull and Kelly—

HB 4151—A bill to be entitled An act relating to homestead property; amending s. 222.01, F.S.; providing that a statement declaring property to be a homestead for purposes of exemption from forced sale shall be recorded in person with the clerk of the circuit court; specifying that a homestead exemption granted under s. 196.031, F.S., is deemed a designation of homestead as provided in s. 222.01, F.S.; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Flanagan, Turnbull, Burroughs, Morroni, Dockery, Horan, Sindler, and Sanderson—

HB 4153—A bill to be entitled An act relating to juvenile justice; amending s. 985.309, F.S.; requiring boot camp commitment of a child under specified circumstances; providing for state funding for boot camps operated by county or municipal government, contingent upon specific appropriation; providing for placement of children in boot camp within the circuit in which they were adjudicated; providing for authority of county sheriff over boot camps in county; listing the offenses for which such commitment to boot camp is mandatory and not subject to plea negotiation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Boyd—

HB 4155—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of performance-enhancing or growth-enhancing products for livestock; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fischer—

HB 4157—A bill to be entitled An act relating to school safety; amending s. 229.58, F.S.; providing duties of school advisory councils with respect to School Environmental Safety Incident Reports; amending s. 230.2318, F.S.; providing duties of school resource officers with respect to School Environmental Safety Incident Reports; creating s. 232.2565, F.S.; requiring development of school programs; providing reporting requirements; providing for a School Environmental Safety Incident Report; providing duties of the Department of Education; providing duties of the Office of Program Policy Analysis and Government Accountability in evaluating school safety reporting procedures; providing for school safety awards; amending s. 232.26, F.S.; providing for reporting school safety issues; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Colleges & Universities; Representatives Casey, Carlton, Goode, Rayson, Ritter, Brooks, Constantine, Betancourt, Ball, Bradley, and Rojas—

HB 4159—A bill to be entitled An act relating to the State University System; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Colleges & Universities; Representatives Casey, Carlton, Goode, Rayson, Ritter, Brooks, Betancourt, Ball, Bradley, and Rojas—

HB 4161—A bill to be entitled An act relating to budgeting; amending s. 216.0172, F.S.; providing for the submission of certain performance-based program budgets by the Department of Education; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Colleges & Universities; Representatives Casey, Carlton, Goode, Rayson, Ritter, Brooks, Constantine, Betancourt, Ball, Bradley, and Rojas—

HB 4163—A bill to be entitled An act relating to postsecondary education; amending s. 240.61, F.S., relating to the college reach-out program; requiring the Postsecondary Education Planning Commission to determine the frequency of certain assessments; revising the reporting date; repealing ss. 240.154 and 240.278, F.S., relating to proposals for undergraduate enhancement and the Quality Assurance Fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture; Representative Bronson—

HB 4165—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 216.181, F.S., relating to approved budgets; exempting the department from certain restrictions on lump-sum salary bonuses; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 525.07, F.S.; providing for the repair and adjustment of petroleum fuel measuring devices by meter mechanics; providing for notification of the department; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s. 570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.131, F.S.; raising the cap on nursery and nursery stock dealer certificate of registration and renewal fees; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12 and 500.121, F.S.; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Elder Affairs & Long Term Care; Representatives Brooks, Jacobs, Argenziano, Carlton, Wiles, Reddick, and Barreiro—

HB 4167—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting

references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations on onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Warner—

HB 4169—A bill to be entitled An act relating to the State University System; amending s. 240.235, F.S.; authorizing each university president to submit a plan to the Board of Regents to increase matriculation and tuition fees for specified professional programs; providing a limit on such increase; specifying certain contents of plans; providing for the retention of revenue; amending s. 240.4042, F.S.; correcting a cross reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Stabins—

HB 4171—A bill to be entitled An act relating to the Hernando County Law Library; amending ch. 65-1627, Laws of Florida, as amended; providing membership of the law library board; revising powers and duties of the board; providing for fees to fund the library; providing for determination of fee amounts; revising powers and duties of the board of county commissioners with respect to the library; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Byrd, Crist, Littlefield, Ogles, Bradley, Tamargo, Culp, Wallace, Miller, and Murman—

HB 4173—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the Hillsborough County Civil Service Act to exempt the judiciary from the act; providing for review of certain actions adversely affecting certain employees within the Administrative Office of the Courts; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Peaden, Thrasher, King, Feeney, Turnbull, Crist, Maygarden, Lynn, Tamargo, Minton, Westbrook, Melvin, Goode, Brooks, Arnall, Kelly, Spratt, Ball, Futch, Trovillion, Bainter, Burroughs, Reddick, Smith, Fuller, Morse, Flanagan, Murman, Wallace, Starks, Fasano, Sembler, Bitner, Crady, Boyd, Argenziano, Ogles, Carlton, Heyman, Andrews, Sindler, Casey, Brown, D. Prewitt, Villalobos, Bullard, Stabins, Littlefield, Betancourt, Sanderson, Horan, Wiles, Stafford, Healey, Barreiro, Jacobs, Merchant, Jones, Mackey, Morroni, Culp, Harrington, Livingston, Tobin, Rojas, Lacasa, Wise, Bloom, Rodriguez-Chomat, Garcia, and Gay—

HB 4175—A bill to be entitled An act relating to the postsecondary education; establishing a 4-year medical school at Florida State University; providing legislative findings and intent; amending s. 458.3145, F.S.; providing for the issuance of a medical faculty certificate without examination to an individual who has received a full-time faculty appointment to teach a program of medicine at Florida State University; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

First Reading of Committee Substitutes by Publication

By the Committees on Finance & Taxation; Governmental Operations; Transportation; Representatives Lippman, Jones, Trovillion, Cosgrove, Fuller, Sublette, Miller, Tobin, Casey, Fasano, Brown, Jacobs, Tamargo, Silver, and Ogles—

CS/CS/CS/HB 447—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; providing for the issuance of a warning for a first violation of the act for a specified period; eliminating a provision which requires enforcement of the act only as a secondary action; providing an effective date.

By the Committees on General Government Appropriations; Education Innovation; Representatives Wise and Feeney—

CS/CS/HB 1793—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act; providing an effective date.

By the Committee on Governmental Operations; Representatives Rodriguez-Chomat, Diaz de la Portilla, Rojas, Lawson, Fasano, and Kelly—

CS/HJR 3071—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution relating to homestead exemption.

By the Committees on Governmental Operations; Law Enforcement & Public Safety; Representatives K. Pruitt, Futch, Thrasher, Starks, Feeney, Crist, Ritchie, Fasano, and Diaz de la Portilla—

CS/CS/HB 3075—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "supplemental plan municipality"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

By the Committee on Colleges & Universities; Representatives Fasano and Murman—

CS/HB 3351—A bill to be entitled An act relating to corporate income tax; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income for corporate income tax purposes; providing that the property factor fraction shall not include property certified as dedicated to research and development pursuant to sponsored research conducted through a state university; providing that the payroll factor shall not include compensation paid to employees certified as dedicated to such activities; providing that no such activities shall cause a corporation not otherwise subject to corporate income tax to be subject to said tax; providing limitations; providing for rules; requiring a report; providing an effective date.

By the Committee on Family Law & Children; Representatives Frankel, Lynn, Thrasher, Ritchie, Morse, Bloom, Wise, Brennan, Bullard, Logan, Reddick, Turnbull, Mackenzie, Murman, Brown, Futch, Arnall, Merchant, Dawson-White, Casey, Jones, Fasano, Healey, Hafner, Jacobs, Crist, Roberts-Burke, Chestnut, Wasserman Schultz, Fischer, Ritter, Lawson, Bush, D. Prewitt, Silver, Miller, Horan, Hill, Dennis, Rayson, Kosmas, Betancourt, Cosgrove, Flanagan, Crow, Ogles, Bainter, Stafford, Albright, Effman, Sanderson, Westbrook, Boyd, Spratt, Tamargo, Byrd, Kelly, Wallace, Burroughs, Trovillion, Villalobos, Culp, Livingston, Saunders, Wiles, and Peaden—

CS/HB 3377—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Children and Family Services; providing for a contract with The Ounce of Prevention Fund of Florida for development, implementation, and administration of the program; establishing the Healthy Families Florida Advisory Committee and providing duties; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; requiring contracts for evaluation; requiring an annual report; authorizing contracts for specified tasks and services; providing for application for a federal waiver; providing an effective date.

Daily Folder

Communication was received from the Speaker that under Rule 132, the Daily Folder for Thursday, March 12, 1998, beginning at 8:30 a.m., would consist of the following:

9:30 a.m. - 10:30 a.m. Economic Impact Council Calendar
10:30 a.m. - 11:00 a.m. Ceremonial Resolutions Calendar

Reports of Councils and Standing Committees

Council Reports

The Honorable Daniel Webster
Speaker, House of Representatives

March 12, 1998

Dear Sir:

The following report of council actions is respectfully submitted as the Calendar, adopted on March 12, 1998, of the Justice Council.

Rank

1. HB 3141—Employment Screening/Criminals
2. CS/HB 505—Private Attorneys/State Agencies
3. HB 1269—Vehicular Homicide/Unborn Child
4. HB 909—Concealed Weapons/Nonresidents
5. HB 641—Motorcycle Riders/Safety Equipment
6. CS/HB 1257—Adoption
7. CS/HB 1513—Adoption

Referred

CS/HB 3367—Judicial Nominating Commissions
(To the Committee on Crime & Punishment)

CS/HB 1691—Motor Vehicle Liability Limits
(To the Committee on Civil Justice & Claims)

A quorum of the Council was present and a majority of those present agreed to the above report.

Respectfully submitted,
Representative Victor D. Crist, Chair

Committee Reports

Received March 11:

The Committee on Finance & Taxation recommends the following pass:

CS/HB 885 (fiscal note attached, unanimous)

HJR 3151 (fiscal note attached, unanimous)

HB 3349 (fiscal note attached, unanimous)

The above bills were referred to the Committee on General Government Appropriations.

The Committee on Colleges & Universities (Academic Excellence Council) recommends a committee substitute for the following:

HB 3351 (unanimous)

The above committee substitute was referred to the Committee on Finance & Taxation, and, under the rule, HB 3351 was laid on the table.

The Committee on Governmental Operations (Governmental Responsibility Council) recommends a committee substitute for the following:

HJR 3071

The above committee substitute was referred to the Committee on Finance & Taxation, and, under the rule, HJR 3071 was laid on the table.

Received March 12:

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:

HB 3647 (unanimous)

HB 3651 (unanimous)

HB 3823, with 1 amendment (unanimous)

The above bills were placed on the appropriate Calendar or Council list.

The Committee on Governmental Operations (Governmental Responsibility Council) recommends the following pass:

CS/HB 1985 (unanimous)

The above bill was placed on the appropriate Calendar or Council list.

The Committee on Law Enforcement & Public Safety (Justice Council) recommends the following pass:

HB 3569 (unanimous)

The above bill was placed on the appropriate Calendar or Council list.

The Committee on Transportation (Economic Impact Council) recommends the following pass:

HB 3509 (unanimous)

The above bill was placed on the appropriate Calendar or Council list.

The Committee on General Government Appropriations recommends a committee substitute for the following:

CS/HB 1793 (fiscal note attached, unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, CS/HB 1793 was laid on the table.

The Committee on Finance & Taxation recommends a committee substitute for the following:

CS/CS/HB 447 (fiscal note attached)

The above committee substitute was referred to the Committee on Criminal Justice Appropriations, and, under the rule, CS/CS/HB 447 was laid on the table.

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:

HB 3543, with 1 amendment (unanimous)

The above bill was referred to the Committee on Finance & Taxation.

The Committee on Law Enforcement & Public Safety (Justice Council) recommends the following pass:

HB 3659 (unanimous)

The above bill was referred to the Committee on Finance & Taxation.

The Committee on Governmental Operations (Governmental Responsibility Council) recommends a committee substitute for the following:

CS/HB 3075 (unanimous)

The above committee substitute was referred to the Committee on Finance & Taxation, and, under the rule, CS/HB 3075 was laid on the table.

The Committee on Family Law & Children (Justice Council) recommends a committee substitute for the following:

HB 3377 (unanimous)

The above committee substitute was referred to the Committee on Health Care Standards & Regulatory Reform (Government Services Council), and, under the rule, HB 3377 was laid on the table.

Excused

Rep. Betancourt

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 9:49 a.m., to reconvene at 8:30 a.m., Tuesday, March 17.

Pages and Messengers for the week of March 9-13

PAGES—Ryan F. Black, Orlando; Kalen Emhof, Tallahassee; Alicia G. Hansen, Tallahassee; Karina L. Hansen, Tallahassee; Peter Joshua Tebow, Bryceville.

MESSENGERS—Travitria Austin, Quincy; Andrea M. Brown, Tallahassee; Jessica Cleaver, Tallahassee; Latrise Yvette Collins, Tallahassee; Robin Elena Douglas, Quincy; Mario Farmer,

Tallahassee; Justin Ford, Bristol; Brian Godwin, Quincy; Lisa M. Gotkiewicz, Pensacola; Alisha Harris, Tallahassee; James Heatley, Miami; Mark Hinely, Longwood; J. Nicholas Hull, Weston; Ricki Hydorn, Titusville; Leala Lebanoff, Winter Haven; Michael J. G. McLaughlin, Daytona Beach; Shannon Rosati, Tallahassee; Logan Mariel Rosete, Cape Coral.